



PATENT  
Attorney Docket No. 02376.0006-01000

DAC #20

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: )  
Gondouin )  
U.S. Patent No. RE38,636 ) Application No.: 09/824,738  
Issued: October 26, 2004 ) Filed: April 4, 2001  
For: DOWNHOLE EQUIPMENT, ) RECEIVED  
TOOLS AND ASSEMBLY ) JAN 06 2007  
PROCEDURES FOR THE )  
DRILLING, TIE-IN AND )  
COMPLETION OF VERTICAL )  
CASED OIL WELLS ) 12/21/2006 HMARZI1 00000004 RE38636  
CONNECTED TO LINER- ) 01 FC:1463 200.00 OP  
EQUIPPED MULTIPLE )  
DRAINHOLES )

OFFICE OF PETITIONS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Adjustment date: 01/16/2007 CASHLOK  
12/31/2006 HMARZI1 00000004 RE38636  
01 FC:1463 -200.00 OP  
Sir:

**PETITION FOR REVIEW OF DECISION REFUSING**  
**TO ACCEPT AND RECORD PAYMENT OF A MAINTENANCE**  
**FEES FILED PRIOR TO EXPIRATION OF PATENT UNDER 37 CFR § 1.377**

The USPTO PAIR website lists the above-identified reissue patent as expired for failure to pay the 8<sup>th</sup> year maintenance fee due on October 31, 2003. The 8<sup>th</sup> year maintenance fee, however, was paid and accepted by the USPTO on the immediate parent reissue patent.

The application that issued as the above-identified reissue patent was filed as a continuation application from U.S. Appln. 08/861,457 (which issued as RE37,867 on

Refund Ref: 01/16/2007 CKHLOK 0000155498

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October 8, 2002). The '457 application was itself filed as a reissue application from U.S. Patent 5,462,120. The '120 patent issued on October 31, 1995, and therefore, the three maintenance fee due dates for the '120 patent and any reissue are April 31, 1999, April 31, 2003, and April 31, 2007. The first maintenance fee was paid for the '120 patent on April 16, 1999, and Applicant encloses the maintenance fee statement showing payment. Prior to the due date for the second maintenance fee, the '457 application granted as the '867 reissue patent. The second maintenance fee was paid on June 6, 2003 with surcharge for the '867 reissue patent since the '120 patent was surrendered prior to issuance of the '867 reissue patent. Applicant also encloses the maintenance fee statement showing payment of this fee, as well. Only after the second maintenance fee was paid did the above-referenced reissue patent issue.

It appears that in assessing the above-referenced reissue patent, the USPTO only reviewed the file history of the '120 patent and not the '867 reissue patent for payment of the second maintenance fee. The USPTO PAIR page indicates that this reissue patent is expired for failure to pay the second maintenance fee. As only one issued patent was in force as of the due date for the second maintenance fee, only one fee was due, and that fee was paid for the '867 reissue patent.

Therefore, Applicants requests that the USPTO correct the PAIR designation and provide written confirmation that this reissue patent is in good standing.

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The Applicant first became aware of this discrepancy on October 30, 2006, and have filed this request within two months of the action complained of.

Applicant hereby petitions for revival of this application. The petition fee of \$200.00 is enclosed. Applicant requests a refund of this petition fee, as Applicant believes this is the result of a USPTO error.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: December 19, 2006

By: Rebecca M. McNeill  
Rebecca M. McNeill  
Reg. No. 43,796